

Appln. No. 10/684,765  
Amdt. Dated: January 21, 2005  
Reply to Office Action of Oct. 21, 2004

### REMARKS

In the Office Action, the Examiner 1) objected to the Drawings; 2) objected to claims 14 and 16; 3) rejected claims 1-4, 6-17, 21, 23, and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,444,934, issued to LaTouche (hereinafter *LaTouche*); 4) rejected claims 5 and 19 under 35 U.S.C. § 103(a) as being unpatentable over *LaTouche* in view of U.S. Patent 3,618,253, issued to Edwards et al. (hereinafter *Edwards*); and 5) rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over *LaTouche* in view of U.S. Patent 3,447,254, issued to Sobel et al. (hereinafter *Sobel*).

In a telephone interview on January 7, 2005, the present Office Action was discussed but no final determination as to allowability was reached. Potential amendments to the claims were discussed. The Examiner agreed that a claim limitation of "detachably secure" was distinct from, and more narrow than, the current limitation of "releaseably secure." In particular, it was agreed that in the context of the current application "detachably secure" described the condition where two components could be detached and completely separated from each other, such as so one of the components could be interchanged with another in a modular manner. In this response, Applicant amends the claims and presents other amendments to overcome objections raised by the Examiner.

### Objections to the Drawings

The Examiner objected to the drawings because item numbers were used to indicate multiple features. The errors were actually in the specification, the item numbers indicated on the drawings are correct. Therefore paragraphs [0026] and [0040] have been amended to correct these errors.

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### Objections to the Claims

The Examiner objected to claims 14 and 16 for a misspelling. Claim 14 contained a misspelled word and claim 16 depends from claim 14. Claim 14 has been amended to correct the error.

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### Rejections of the Claims

The Examiner rejected all of the claims as either anticipated by *LaTouche* or obvious over *LaTouche* in combination with other references. Claim 1 is the only independent claim and was rejected as being anticipated by *LaTouche*. In order to establish a *prima facie* case of anticipation, the Examiner must show that each and every element of the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). If a single element is not found in the prior art reference, the claims are not anticipated. Additionally, the Federal Circuit has held that "[t]o anticipate, every element and limitation of the claimed invention must be found in a single prior art reference arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349, 60 U.S.P.Q.2d 1375 (Fed. Cir. 2001). Thus, an invention is anticipated only when the same device having all the elements contained in the claim limitations, is described in a single prior art reference.

Claim 1 has been amended to claim a means at the front end of the hollow body that mates with and detachably secures a corresponding means on one end of a rod. Claim 1 has been amended to distinctly claim that the rod is completely detachable from the hollow body. As is described in paragraph [0035] of the specification, in reference to Figure 4, the rod and hollow body are arranged such that "the user simply unlocks the cap 50b, removes the sleeve 50a and the rod, and then installs another rod." The cited art, namely *LaTouche*, does not show a rod that is detachably secured to the hollow body.

The rod (15) of *LaTouche* is fixably fitted to rod slide 37 that is slidably mounted within rod mast 14. See *LaTouche* Col. 4, Lines 24-26. Thumb screw 38 is tightened to secure the position of rod slide 37 relative to rod mast 14 and loosened to adjust the relative position. See *LaTouche* Col. 5, Lines 34-40. Although Col. 4, Lines 46-50 indicate that rod 15a/b can be removed from rod mast 14, Figure 3 clearly illustrates that rod slide 37 is retained in rod mast 14 by a shoulder that prevents removal of the rod from the rod mast even with removal of thumb screw 38. This mode of operation is confirmed by the inventor of the current application, who is also the inventor of *LaTouche*, in that rods 15a and 15b illustrate different embodiments of the system and are not interchangeable by a user. Because *LaTouche* does not describe a rod and

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hollow body arrangement that allows for detachment of the rod, *LaTouche* does not anticipate the scope of claim 1. Claims 2-24 depend from claim 1. Therefore, as claim 1 is allowable over the cited art, so are claims 2-24.

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *LaTouche* in view *Sobel*. In order to establish a *prima facie* case of obviousness, the Examiner must meet the following three elements: 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings; 2) there must be a reasonable expectation of success; and 3) the prior art reference(s) must teach or suggest all the claim limitations. *MPEP* § 2143 (2000) (citing *In re Vaack*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)). If just one of these elements is not met the Examiner can not establish a case of obviousness.

Claim 18 has been amended to more particularly claim the structure that detachably secures a rod to the hollow body. More particularly, claim 18 has been amended to distinctly claim a lock cap that receives a split, tapered sleeve. The interface of these components is clearly shown in Figure 4 of the present application. Neither *LaTouche* nor *Sobel* teach a mechanism for detachably securing two components that comprises a lock cap that receives a split, tapered sleeve. Because a *prima facie* case of obviousness requires that the prior art references must teach or suggest all the claims limitations, the amendments to claim 18 overcome the previous rejection. Therefore, notwithstanding the patentability of claim 1, claim 18 is allowable over the cited art.

### Conclusion

This is believed to be a full and complete response to the Office Action of October 21, 2004. Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art, which have yet to be raised, but which may be raised in the future.

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Applicants believe that all claims are free of the prior art and are in condition for allowance. Entry of the amendments and allowance of all pending claims is respectfully requested. If the Examiner believes that a telephonic interview would be beneficial, please contact the undersigned at the telephone number listed below.

Respectfully submitted,



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